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PTO/SB/21 (09-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

92

Application Number 09/414,951

Filing Date October 8, 1999

First Named Inventor Michael A. Arkes

Art Unit 3624

Examiner Name Charles R. Kyle

Attorney Docket Number P2048US

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Gardner Carton & Douglas		
Signature	<i>[Handwritten Signature]</i>		
Printed name	David M. Mott, Esq.		
Date	June 13, 2005	Reg. No.	47,808

CERTIFICATE OF TRANSMISSION/MAILING

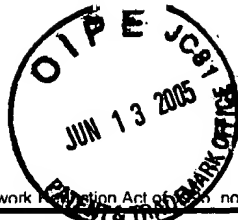
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number	09/414,951
Filing Date	October 8, 1999
First Named Inventor	Michael A. Arkes
Examiner Name	Charles R. Kyle
Art Unit	3624
Attorney Docket No.	P2048US

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 07-0181 Deposit Account Name: Gardner Carton & Douglas

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Small Entity	
Fee (\$)	Fee (\$)
50	25
200	100
360	180
Multiple Dependent Claims	
Fee (\$)	Fee Paid (\$)

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition to the Director Not Specifically Approved**Fees Paid (\$)**

\$130.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 47,808	Telephone 202-230-5102
Name (Print/Type)	David M. Mott, Esq.		Date June 13, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT
Attorney Docket No. P2048US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael A. Arkes

Application No. 09/414,951

Art Unit: 3624

Filed: October 8, 1999

Examiner: Charles R. Kyle

For: An Incentive Points Redemption
Program Carried Out Via
An On-Line Auction

PETITION UNDER MPEP § 1002.02(c)(3)(d)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Petitioner hereby petitions under MPEP § 1002.02(c)(3)(d) to the Technology Center Director the finding by Examiner that the Rule 131 Declaration filed December 3, 2004 is insufficient for demonstrating the conception and reduction to practice of the claimed invention as recited in at least claims 1 and 6-20 prior to the July 14, 1999 of U.S. Patent No. 6,178,408 to *Copple et al.* Petitioner respectfully submits that the previously-filed Rule 131 Declaration (attached hereto) meets all of the requirements set forth in 37 C.F.R. § 1.131 and, therefore, is sufficient for antedating the *Copple et al.* patent.

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Petitioner filed a Rule 131 Declaration on October 7, 2004 which includes evidence of conception and reduction to practice of the present invention as recited in at least rejected claims 1 and 6-20 prior to the effective date of the *Copple et al.* patent which is July 14, 1999. In particular, for example, the Declaration includes evidence of an Incentive Points Redemption Program that allows participation in a web-based on-line auction (see Exhibit A) and screen shots (see Exhibits B-Y) that collectively illustrate the ability to perform such an on-line auction as they existed prior to July 14, 1999.

The Examiner contends in the final Office Action dated April 5, 2005, however, that the Rule 131 Declaration provides insufficient evidence of a reduction to practice of the invention before the effective date of the *Copple et al.* reference. A copy of the final Office Action is attached. In particular, the Examiner contends at the first full paragraph of page 10 of the final Office Action that "even given the evidence of screen shots, Petitioner only shows *display* of particular information, rather than actual execution of methods steps" and, in other words, that "there is no evidence that the recited method steps are executed; only 'result' is shown". Moreover, the Examiner contends at pages 10-11 of the final Office Action that the Rule 131 Declaration is insufficient to establish a reduction to practice of the present invention as recited in claim 14 prior to the effective date of the *Copple et al.* patent, because "the displayed web page [of Exhibit A] fails to provide support for "*a participant authenticator for selectively granting access by authorized participants to the contents of the auction items database and to submit bids on items from the auction items database*", as recited in the pending claim.

Petitioner respectfully submits that the Examiner incorrectly failed to accurately consider the Declaration accompanying the Exhibits in the Rule 131 Declaration filed by Petitioner on

December 30, 2004. As is explicitly stated in MPEP § 715.07 which describes the requirements of 37 C.F.R. § 1.131, the facts presented in a proper Rule 131 Declaration "can be supported by exhibits accompanying the Declaration" and that "an accompanying exhibit need not support all claim limitation, provided that a missing limitation is supported by the Declaration itself." Here, while the Examiner contends that "there is no evidence that the recited method steps are executed; only 'result' is shown [in the screen shots of the Exhibits]", Petitioner submits that the Examiner has failed to fully consider the statements made in the Declaration accompanying the Exhibits for support for the claim limitations that the Examiner believes to be insufficiently supported by the Exhibits. In fact, the Declaration accompanying the Exhibits clearly outlines the claimed method steps involved in operating an on-line auction for an Incentive Points Redemption Program. In particular, for example, the Declaration states at paragraph 4 on pages 4-5 that "the on-line auction system had the capability of *determining* whether a new bid exceeds a point value, while *maintaining* a high bid for each item and *identifying*, upon the ending of an auction period, a participant corresponding to the highest bid for the item" and to "*notify* the participant of the highest bid". Moreover, while the Examiner contends that Exhibit A fails to provide support for "a participant authenticator *for selectively granting access by authorized participants to the contents of the auction items database and to submit bids on items from the auction items database*", the Examiner has failed to take notice of the Declaration accompanying Exhibit A which sets forth at paragraph 5 on page 5, for example, that "*as evidenced in Sections 3 and 4 of Exhibit A and in Exhibit I, the on-line auction system prior to July 14, 1999 enabled a participant to submit delivery address and additional information to identify the participant so that the system could determine if the participant was authorized to participate in the auction*".

(emphasis added)

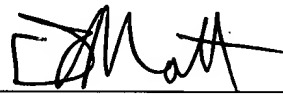
Finally, Petitioner notes that beginning on page 11 of the final Office Action, the Examiner cites extensive precedent outlining the requirements for showing diligence in reduction to practice. Petitioner respectfully submits, however, that this is irrelevant since the Declaration and Exhibits demonstrate conception *and* reduction to practice prior to the critical date of the reference, in which event the showing of diligence is not required to antedate the reference.

In view of the Examiner's apparent failure to fully consider the evidence and statements presented in the Declaration that accompanied the Exhibits, Petitioner respectfully submits that the Rule 131 Declaration filed by Petitioner on December 30, 2004 provides sufficient evidence to demonstrate conception and reduction to practice of the present invention as recited in at least rejected claims 1 and 6-20 prior to the effective date of the *Copple et al.* patent which is July 14, 1999. Therefore, Petitioner respectfully submits that the *Copple et al.* patent no longer qualifies as "prior art" under U.S. statutes against those claims, and thus cannot be relied up by the Examiner in a rejection. Therefore, Petitioner respectfully request that all of the rejections against these claims that rely on the Copple patent should be withdrawn.

In re Appln. of Arkes
Application No. 09/414,951

Should you have any questions or wish to discuss this matter further, please feel free to contact the undersigned at the number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Mott', is written over a horizontal line.

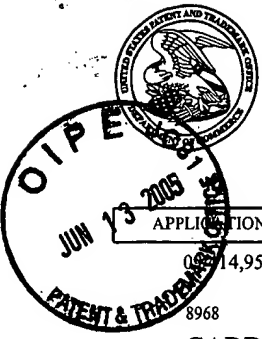
David M. Mott
Attorney of Record
Reg. No. 47,808

Gardner Carton & Douglas LLP
1301 K. Street, NW, Suite 900
Washington, DC 20005
Phone: (202) 230-5114
Facsimile: (202) 230-5314

Dated: June 13, 2005

DC01/ 485134.1

701



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Alexandria, Virginia 22313-1450
www.uspto.gov

P2048

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/14,951	10/08/1999	MICHAEL A. ARKES	202143	4073

8968 7590 04/05/2005

GARDNER CARTON & DOUGLAS LLP
ATTN: PATENT DOCKET DEPT.
191 N. WACKER DRIVE, SUITE 3700
CHICAGO, IL 60606

EXAMINER

KYLE, CHARLES R

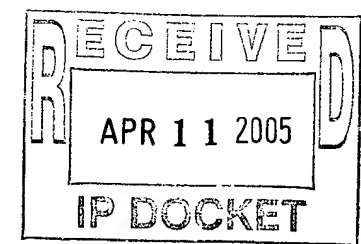
ART UNIT PAPER NUMBER

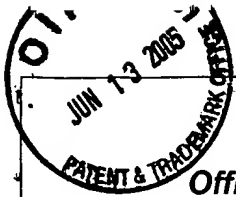
3624

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DUE Resp
DATE 4/5/05
DKT OK





Office Action Summary

Application No.

09/414,951

Applicant(s)

ARKES, MICHAEL A.

Examiner

Charles R Kyle

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by US 6,178,408 B1 *Copple et al*, already of record.

Regarding Claim 1, *Copple et al* disclose the invention as claimed including in a method for administering an on-line auction for an incentive points redemption facility including a catalog of potential auction items (Col. 6, lines 7-18), and a participant database comprising participant records (Fig. 2, element 210; Col. 4, line 58 to Col. 5, line 22), wherein each participant record includes a participant identifier (Col. 5, lines 3-6) and an incentive point value total available to the participant to bid (Col. 5, lines 13-22), the method comprising the steps of:

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designating, for an auction, a set of auction items from the catalog of potential auction items (Col. 8, lines 7-19, particularly lines 13-15. See also Col. 1, lines 48-51);

providing on-line bid access to the set of auction items by authorized participants, the providing on-line access step comprising for an authorized participant:

retrieving, for on-line presentation at a terminal of the authorized participant, data corresponding to an item from the set of auction items, the data including a description of the item and data relating to a current minimum qualifying bid value for the item (Col. 6, lines 7-24);

receiving, via an on-line computer interface, a bid by the authorized participant for the item (Col. 6, lines 25-38; Fig. 3, connection btw. Elements 310 and 322); and

determining, by reference to an available incentive point value total for the authorized participant, whether the new bid exceeds a point total available to the authorized participant (Col. 5, lines 13-22; Col. 6, lines 7-24);

maintaining at least a high bid for each item in the set of auction items (Col. 6, line 18); and

identifying, upon ending an auction period, a participant corresponding to a highest covered bid by referencing at least the high bid for each item (Col. 6, lines 51-57).

It is also inherent that designation of items for an auction would be performed; such designation would provide a necessary defined set of items for which bidders could compete.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-8 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,178,408 *Copple et al* in view of US 5,915,244 *Jack et al*.

Regarding Claim 2, *Copple* discloses the invention substantially as claimed. See the discussion of Claim 1 above. *Copple* does not specifically disclose the purchase of additional incentive points through a currency-to-points conversion if available points are insufficient. *Jack* discloses such an interchangeability of currency and incentive points at Col. 3, line 46 to Col. 4, line 55. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a currency-to-points conversion to facilitate purchase of extra points because this would make available to a bidder more points to successfully bid for an item that he or she really wanted.

With respect to Claim 3, *Copple* does not specifically disclose delayed point conversion. It would have been obvious modify *Copple* to delay conversion until the bidder won because this would have avoided the administrative burden of converting points back to currency if the bidder was unsuccessful.

With respect to Claim 4, see the discussion of Claim 5. Further, modification of *Copple* to specify a currency-to-points conversion rate for each sponsor would have been obvious

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because this feature could provide a basis for negotiation between sponsors and one practicing the invention.

Concerning Claim 5, *Jack* discloses specifying a currency-to-points conversion for each auction at Col. 4, lines 49-52.

With respect to Claim 6-8, *Copple* discloses notifying via an automated message delivery process (Col. 6, lines 41-43), a fulfillment service of a delivery request (Col. 6, lines 41-43), the delivery request including an identification of a winning participant (Col. 6, line 46), a delivery address (inherent for delivery), and the auction item for which the winning participant submitted a winning bid (Col. 6, lines 44-46).

With respect to Claim 10, *Copple* discloses that the auction is executed on an Internet connected site at Col. 1, lines 5-18 and Col. 4, line 35+.

Concerning Claim 11, *Copple* discloses authorization to bid at Col. 4, line 53 to Col. 5, line 30.

With respect to Claim 12, *Copple* discloses adjustment of an incentive point total after bidding has closed at Col. 7, lines 1-6.

Regarding Claim 13, *Copple* discloses adjustment of incentive point value totals as set forth above. Further, it would have been obvious to adjust such a total before bidding ended so as to prevent the bidder from "spending" the points twice in different auctions, this avoiding over commitment.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,178,408 *Copple et al* in view of US 6,285,989 B1 *Shoham*, already of record.

Regarding Claim 9, *Copple* discloses the invention substantially as claimed. See the discussion of Claim 1 above. *Copple* does not specifically disclose an auction software kit for executing the steps of an auction. *Shoham* disclose such a kit at Summary of the Invention+. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used an auction software kit such as disclosed by *Shoham* to designate, provide and maintain an incentive auction as disclosed by *Copple* because this would have provided kit advantages as described by *Shoham* at Col. 4, lines 29-34 and set forth below:

What has been missing is a highly versatile toolkit with which to quickly define and deploy a wide range of online markets, in particular markets in the medium to high end, and be able to modify the rules of these market on the fly without needing to engage in a lengthy software development process and service disruption.

It would further have been obvious to use the kit to provide an auction on an intranet of an auction sponsor because this would have provided a convenient place for employees to redeem their incentive points. Also, an auction on the sponsor's intranet would have engendered positive feelings toward the sponsor by participants.

Claims 14-16 and 18-20 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,178,408 *Copple et al* in view of US 6,012,045 *Barzilai et al*, already of record.

Concerning Claim 14, *Copple* discloses the invention substantially as claimed. See the discussion of Claim 1 above. While *Copple* discloses most of the functionality of the invention,

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it does not specifically disclose the apparatus elements that perform those functions. *Barzilai* completes these details as set forth below.

Barzilai disclose:

An on-line auction facility for managing bids of authorized participants (Col. 5, line 19 to Col. 6, line 52) on a set of auction items (Col. 6, lines 38-50), the on-line auction facility comprising:

- an authorized participants database configured to store a set of authorized participant entries (Fig. 2, element 34), each participant entry including a participant identification and an available funds value total (Col. 7, lines 36-60);

- an auction items database configured to store a set of auction item entries corresponding to auction items to be bid upon by authorized participants (Fig 2, ele.38), each auction item entry including an auction item identification and at least a high bid (Col.11, lines 6-30);

- a network communication interface providing on-line access to the auction facilities (Col. 3, line 44 to Col. 5, line 7, particularly Col. 3, lines 57-58);

- an interactive auction server including:

- a participant authenticator for selectively granting access by authorized participants to the contents of the auction items database and to submit bids on items from the auction items database (Col. 5, lines 8-32; Col. 7, line 17 to Col. 8, line 32);

- an auction item display generator, having communicative access to the auction item database, the auction item display generator responding to requests from authorized participants via the network communication interface by retrieving from the auction

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items database, information relating to a selected auction item for display for the authorized participants (Fig. 5; Col. 11, line 37 to Col. 12, line 45);

a bid verifier, having communicative access to the participant points total in the participant database, for determining whether a received bid exceeds an available incentive point value total for an authorized participant (Col. 7, lines 40-60);

and a bid register for maintaining at least a high bid for each item represented in the set of auction item entries Col. 14, lines 10-34.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the apparatus elements disclosed by *Barzilai* to implement the auction functions disclosed by *Copple et al* because the subject matter of auction management was common to both inventions and the inventions were method-apparatus reflections of one another. The use of the apparatus of *Barzilai* would have provided a convenient and effective infrastructure for the execution of the auction steps of *Copple*.

With respect to Claim 15, *Copple* discloses that a participant entry includes contact information at Col. 5, lines 4-22. *Barzilai* discloses the same feature at Col. 7, lines 35-60.

Regarding Claim 16, see the discussions of Claims 14 and 13 above.

With respect to Claim 18, *Barzilai* discloses including a suggested item value at Col. 6, lines 11-62. It would further have been obvious modify *Copple* to provide such a suggested value because this would have provided a reasonable starting price for the auction. Additionally, it would have been obvious to provide a suggested starting price so as to give guidance on what

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price was likely to be accepted. Some guidance for bidding is required from a simply practical point-of-view and is commonly known as an initial bid.

With respect to Claims 19 and 20, see the discussion of Claim 18 and further note the equivalence of currency (dollars) and incentive points as set forth in the discussion of Claim 2.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,178,408 *Copple et al* in view of US 6,012,045 *Barzilai et al* and further in view of US 6,026,383 *Ausubel*, already of record.

Regarding Claim 17, *Copple* discloses the invention substantially as claimed. See the discussion of Claim 14 above. *Copple* does not disclose the inclusion of a bid history including a high bid and list of preceding bids. *Ausubel* discloses this feature at Col. 6, lines 11-62 and Col. 8, lines 20-35. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included a bid history as disclosed by *Ausubel* in the invention of *Copple* because this would have allowed bidders to see information necessary to modify their responses after the auction had begun, as specifically noted by *Ausubel* at Col. 8, lines 25-35.

Response to Arguments

Applicant's arguments filed December 30, 2004 have been fully considered but they are not persuasive.

The arguments presented have been considered but are ineffective to overcome the *Copple et al* reference. The evidence previously submitted, and again reviewed by the Examiner is insufficient to establish applicant's alleged actual reduction to practice of the invention in this

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country or a NAFTA or WTO member country before the effective date of the *Copple et al* reference. Applicant has argued that the screen shots provided as evidence are sufficient to swear back of *Copple* and represent the claimed invention. However, the exhibits are screen shots that display information, but do not inherently show that Applicants possessed the claimed invention.

Specifically, Applicant has made no attempt in prior prosecution to map the limitations of Claim 1 and its dependent Claims to the exhibits. Even given the evidence of screen shots, Applicant only shows *display* of particular information, rather than actual execution of method steps. There is no evidence that the recited method steps are executed; only "result" is shown. It is not necessary that the display of the exhibited information requires execution of the recited method steps. An example of evidence of execution of method steps this would be computer listings showing specific code modules to perform each step.

As to Claim 14 and its dependent Claims, Applicant attempted in the July 17, 2003 Response to map exhibit elements to Claim limitations but was ineffective. Certain Claim elements appear, but others are missing. A specific example is useful. At lines 12-14, Claim 14 recites:

a participant authenticator *for selectively granting access by authorized participants to the contents of the auction items database and to submit bids on items from the auction items database,*

Applicant cited sheets 8, 9 and 10 of the Exhibit A to support argument that this limitation was reduced to practice prior to *Copple*. A participant authenticator of sorts is shown. However, the displayed web page fails to provide support for the portion of this limitation

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italicized above. Nowhere on these sheets is shown *selective grant of access by authorized participants to the contents of the auction items database and to submit bids on items from the auction items database.*

For the reasons above, Applicant fails to show reduction to practice prior to the effective date of *Copple*.

Applicant also does not show due diligence from a time before *Copple*'s effective date to Applicant's constructive reduction to practice, the filing date of the application. As set forth in prior actions, Applicant cannot show due diligence during this period due to the level of evidence presented. Applicant presents several screen shots, which again disclose display of information but do not provide evidence of functionality and/or lack evidence of claim limitations. Applicant provides no evidence of ongoing effort during the period such as dated notebooks or print outs of computer code listings. Evidence of this detail is common practice in other arts such as chemical research and can provide a basis for diligence.

MPEP 2138.06 sets out clear requirements for an Applicant to meet to show diligence. Applicant has not met this burden. This section of the MPEP set out below gives specific, detailed requirements to be met to provide evidence sufficient to swear behind. Particularly relevant portions are bolded and italicized below:

2138.06 [R-1] "Reasonable Diligence"

The diligence of 35 U.S.C. 102(g) relates to rea-sonable "attorney-diligence" and "engineering-diligence" (Keizer v. Bradley, 270 F.2d 396, 397, 123 USPQ 215, 216 (CCPA 1959)), which does not require that "an inventor or his attorney ... drop all other work and concentrate on the particular invention involved...." Emery v. Ronden, 188

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USPQ 264, 268 (Bd. Pat. Inter. 1974).

CRITICAL PERIOD FOR ESTABLISHING DILIGENCE BETWEEN ONE WHO WAS FIRST TO CONCEIVE BUT LATER TO REDUCE TO PRACTICE THE INVENTION

The critical period for diligence for a first conceiver but second reducer begins not at the time of conception of the first conceiver but just prior to the entry in the field of the party who was first to reduce to practice and continues until the first conceiver reduces to practice. *Hull v. Davenport*, 90 F.2d 103, 105, 33 USPQ 506, 508 (CCPA 1937)

("lack of diligence from the time of conception to the time immediately preceding the conception date of the second conceiver is not regarded as of importance except as it may have a bearing upon his subsequent acts"). What serves as the entry date into the field of a first reducer is dependent upon what is being relied on by the first reducer, e.g., conception plus reasonable diligence to reduction to practice (*Fritsch v. Lin*, 21 USPQ2d 1731, 1734 (Bd. Pat. App. & Inter. 1991), *Emery v. Ronden*, 188 USPQ 264, 268 (Bd. Pat. Inter. 1974)); an actual reduction to practice or a constructive reduction to practice by the filing of either a U.S. application (*Rebstock v. Flouret*, 191 USPQ 342, 345 (Bd. Pat. Inter. 1975)) or reliance upon priority under 35 U.S.C. 119 of a foreign application (*Justus v. Appenzeller*, 177 USPQ 332, 339 (Bd. Pat. Inter. 1971) (chain of priorities under 35 U.S.C. 119 and 120, priority under 35 U.S.C. 119 denied for failure to supply certified copy of the foreign application during pendency of the application filed within the twelfth month)).

THE ENTIRE PERIOD DURING WHICH DILIGENCE IS REQUIRED MUST BE ACCOUNTED FOR BY EITHER AFFIRMATIVE ACTS OR ACCEPTABLE EXCUSES

An applicant must account for the entire period during which diligence is required. *Gould v. Schawlow*, 363 F.2d 908, 919, 150 USPQ 634, 643 (CCPA 1966) (Merely stating that there were no weeks or months that the invention was not worked on is not enough.); *In re Harry*, 333 F.2d 920, 923, 142 USPQ 164, 166 (CCPA 1964)

(statement that the subject matter "was diligently reduced to practice" is not a showing but a mere pleading). A 2-day period lacking activity has been held to be fatal. *In re Mulder*, 716 F.2d 1542, 1545, 219 USPQ 189, 193 (Fed. Cir. 1983) (37 CFR 1.131 issue); *Fitzgerald v. Arbib*, 268 F.2d 763, 766, 122 USPQ 530, 532 (CCPA 1959)

(Less than 1 month of inactivity during critical period. Efforts to exploit an invention commercially do not constitute diligence in reducing it to practice. An actual reduction to practice in the case of a design for a three-dimensional article requires that it should be embodied in some structure other than a mere drawing.); *Kendall v. Searles*, 173 F.2d 986, 993, 81 USPQ 363, 369 (CCPA 1949) ***(Diligence requires that applicants must be specific as to dates and facts.)***

The period during which diligence is required must be accounted for by either affirmative acts or acceptable excuses. *Rebstock v. Flouret*, 191 USPQ 342, 345 (Bd. Pat. Inter. 1975); *Rieser v. Williams*, 225 F.2d 419, 423, 118 USPQ 96, 100 (CCPA 1958)

(Being last to reduce to practice, party cannot prevail unless he has shown that he was first to conceive and that he exercised reasonable diligence during the critical period from just prior to opponent's entry into the field); *Griffith v. Kanamaru*, 816 F.2d 624, 2

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USPQ2d 1361 (Fed. Cir. 1987) (*Court generally reviewed cases on excuses for inactivity including vacation extended by ill health and daily job demands, and held lack of university funding and personnel are not acceptable excuses.*); Litchfield v. Eigen, 535 F.2d 72, 190 USPQ 113 (CCPA 1976) (budgetary limits and availability of animals for testing not sufficiently described); Morway v. Bondi, 203 F.2d 741, 749, 97 USPQ 318, 323 (CCPA 1953) (voluntarily laying aside inventive concept in pursuit of other projects is generally not an acceptable excuse although there may be circumstances creating exceptions); Anderson v. Crowther, 152 USPQ 504, 512 (Bd. Pat. Inter. 1965) (preparation of routine periodic reports covering all accomplishments of the laboratory insufficient to show diligence); Wu v. Jucker, 167 USPQ 467, 472-73 (Bd. Pat. Inter. 1968) (applicant improperly allowed test data sheets to accumulate to a sufficient amount to justify interfering with equipment then in use on another project); Tucker v. Natta, 171 USPQ 494, 498 (Bd. Pat. Inter. 1971) ("[a]ctivity directed toward the reduction to practice of a genus does not establish, prima facie, diligence toward the reduction to practice of a species embraced by said genus"); Justus v. Appenzeller, 177 USPQ 332, 340-1 (Bd. Pat. Inter. 1971) (Although it is possible that patentee could have reduced the invention to practice in a shorter time by relying on stock items rather than by designing a particular piece of hardware, patentee exercised reasonable diligence to secure the required hardware to actually reduce the invention to practice. "[I]n deciding the question of diligence it is immaterial that the inventor may not have taken the expeditious course....").

WORK RELIED UPON TO SHOW REASONABLE DILIGENCE MUST BE DIRECTLY RELATED TO THE REDUCTION TO PRACTICE

The work relied upon to show reasonable diligence must be directly related to the reduction to practice of the invention in issue. Naber v. Cricchi, 567 F.2d 382, 384, 196 USPQ 294, 296 (CCPA 1977), cert. denied, 439 U.S. 826 (1978). >See also Scott v. Koyama, 281 F.3d 1243, 1248-49, 61 USPQ2d 1856, 1859 (Fed. Cir. 2002) (Activities directed at building a plant to practice the claimed process of producing tetrafluoroethane on a large scale constituted efforts toward actual reduction to practice, and thus were evidence of diligence. The court distinguished cases where diligence was not found because inventors either discontinued development or failed to complete the invention while pursuing financing or other commercial activity.); In re Jolley, 308 F.3d 1317, 1326-27, 64 USPQ2d 1901, 1908-09 (Fed. Cir. 2002) (diligence found based on research and procurement activities related to the subject matter of the interference count).< "[U]nder some circumstances an inventor should also be able to rely on work on closely related inventions as support for diligence toward the reduction to practice on an invention in issue." Ginos v. Nedelec, 220 USPQ 831, 836 (Bd. Pat. Inter. 1983) (work on other closely related compounds that were considered to be part of the same invention and which were included as part of a grandparent application). "The work relied upon must be directed to attaining a reduction to practice of the subject matter of the counts. It is not sufficient that the activity relied on concerns related subject matter." Gunn v. Bosch, 181 USPQ 758, 761 (Bd. Pat. Inter. 1973) (An actual reduction to practice of the invention at issue which occurred when the inventor was working on a different invention "was fortuitous, and not the result of a continuous intent or effort to

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reduce to practice the invention here in issue. Such fortuitousness is inconsistent with the exercise of diligence toward reduction to practice of that invention." 181 USPQ at 761. Furthermore, evidence drawn towards work on improvement of samples or specimens generally already in use at the time of conception that are but one element of the oscillator circuit of the count does not show diligence towards the construction and testing of the overall combination.); *Broos v. Barton*, 142 F.2d 690, 691, 61 USPQ 447, 448 (CCPA 1944) (preparation of application in U.S. for foreign filing constitutes diligence); *De Solms v. Schoenwald*, 15 USPQ2d 1507 (Bd. Pat. App. & Inter. 1990) (principles of diligence must be given to inventor's circumstances including skill and time; requirement of corroboration applies only to testimony of inventor); *Huelster v. Reiter*, 168 F.2d 542, 78 USPQ 82 (CCPA 1948) (if inventor was not able to make an actual reduction to practice of the invention, he must also show why he was not able to constructively reduce the invention to practice by the filing of an application).

As to Applicant's comments regarding Claim 2, Applicant argues that there is no teaching or suggestion in *Jack* to allow purchase of points. *Jack* does teach an interchangeability of currency and incentive points as noted above. Applicant does not address the Examiner's comment that it would be obvious to one of ordinary skill to allow points purchase because this would make available to a bidder more points to successfully bid for an item that he or she really wanted. It is clear that a bidder desiring an item and short of points might think, "I'm short of points and would sure like to buy some to get that item."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kyle whose telephone number is (703) 305-4458. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk
March 28, 2005

Examiner Charles Kyle



Notice of References Cited

Application/Control No.

09/414,951

Applicant(s)/Patent Under
Reexamination
ARKES, MICHAEL A.

Examiner

Charles R Kyle

Art Unit

3624

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-2004/0193489	09-2004	Boyd et al.	705/014
	B	US-2005/0060225	03-2005	Postrel, Richard	705/014
	C	US-2002/0077890	06-2002	LaPointe et al.	705/14
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael A. Arkes

Application No. 09/414,951

Art Unit: 2164

Filed: October 8, 1999

Examiner: Charles R. Kyle

For: An Incentive Points Redemption
Program Carried Out Via
An On-Line Auction

DECLARATION UNDER 37 C.F.R. § 1.131

I, the undersigned, hereby declare the following:

1. I am the named inventor and have personal knowledge of the facts concerning conception and completion of at least certain of the claimed inventive subject matter of the above-captioned patent application.

2. In the course of my tenure at Hinda, Inc., I was closely involved with the development of an On-Line Incentive Points Redemption Program.

3. Exhibits A-Y provide the following information representative of functionality of the on-line auction system as it existed prior to July 14, 1999:

Exhibit A is a redacted copy of a customer requirements catalog created prior to July 14, 1999, outlining desired features of the software for operating an on-line auction for an Incentive Points Redemption Program. At least those features of

the on-line auction discussed in more detail below in paragraphs 4 and 5 of this Declaration were reduced to practice in the United States of America prior to July 14, 1999;

Exhibit B includes redacted copies of screen shots illustrating details of an on-line accessible check-out form that enables a participant to purchase an item as opposed to bidding on an item during an auction;

Exhibit C includes redacted copies of screen shots illustrating an example of code for an on-line bid summary form for the on-line auction;

Exhibit D includes redacted copies of screen shots illustrating an example of code for an auction index form for the on-line auction;

Exhibit E includes redacted copies of screen shots illustrating an example of an auction item set-up form for selecting an item for bidding for the on-line auction;

Exhibit F includes redacted copies of screen shots illustrating an example of a form for indicating items in the auction house that can be auctioned in the on-line auction;

Exhibit G includes redacted copies of screen shots illustrating an example of a form for indicating auction bid summaries occurring during an on-line auction;

Exhibit H includes redacted copies of screen shots illustrating an example of a shopping cart form that can be used to purchase items in the auction house;

Exhibit I includes redacted copies of screen shots illustrating an example of welcome screen forms for an auction participant;

Exhibit J includes redacted copies of screen shots illustrating an example of code for a view template for an auction index;

Exhibit K includes redacted copies of screen shots illustrating an example of code and a form for indicating an auction item index;

Exhibit L includes redacted copies of screen shots illustrating an example of a view template for a winners' circle and a listing of winners for a particular item in the on-line auction;

Exhibit M includes redacted copies of screen shots illustrating an example of code for a web auction item form;

Exhibit N includes redacted copies of screen shots illustrating an example of code for an auction bid form;

Exhibit O includes redacted copies of screen shots illustrating an example of code and a web item bid form for an on-line auction;

Exhibit P includes redacted copies of screen shots illustrating an example of code and an item form for an on-line auction;

Exhibit Q includes redacted copies of screen shots illustrating an example of a bid history in points for an on-line auction;

Exhibit R includes redacted copies of screen shots illustrating an example of a shopping cart form for purchasing items;

Exhibit S includes redacted copies of screen shots illustrating an example of a winner circle index for on-line auctions;

Exhibit T includes redacted copies of screen shots including an example of a screen for listing all items for an on-line auction;

Exhibit U includes redacted copies of screen shots including an example of a screen shot for listing auction items for an on-line auction;

Exhibit V includes redacted copies of screen shots including an example of a screen shot for listing auction items for an on-line auction;

Exhibit W includes redacted copies of screen shots including an example of a screen shot for listing bid summaries from an on-line auction;

Exhibit X includes redacted copies of screen shots including an example of a screen shot for listing auction items; and

Exhibit Y includes redacted copies of screen shots including an example of a screen shot for indicating auction items for an on-line auction.

4. As evidenced in Sections 2 and 6 on pages 3 and 5, respectively, of Exhibit A, the functional requirements include an Incentive Points Redemption Program that allows participation in a web-based on-line auction. The screen shots in Exhibits B-Y also collectively illustrate the ability to perform such an on-line auction and are representative of the functionality of the on-line auction system as it existed prior to July 14, 1999. As evidenced in Section 6.8 on page 5 of Exhibit A and in the screen shots shown in Exhibits E & F, the on-line auction system prior to July 14, 1999 was capable of designating a set of auction items from a catalog of potential auction items, their respective suggested price or points value, and providing on-line bid access to the set of auction items. A participant was permitted by the on-line auction system to retrieve data corresponding to an item including the description of an item, a suggested opening bid and data relating to a current bid as evidenced in the screen shots of Exhibits Q and W. The screen shots shown in Exhibits L, Q, S and W further illustrate that prior to July 14, 1999, the on-line auction system had the capability of determining whether a new bid exceeds a

point value, while maintaining a high bid for each item and identifying, upon the ending of an auction period, a participant corresponding to the highest bid for the item.

5. As further evidenced in Exhibit L, the system had the capability prior to July 14, 1999 to notify the participant of the highest bid, and such notification could have been made via e-mail. As evidenced in Sections 3 and 4 of Exhibit A and in Exhibit I, the on-line auction system prior to July 14, 1999 enabled a participant to submit delivery address and additional information to identify the participant so that the system could determine if the participant was authorized to participate in the auction, and so that the item the participant won in the auction could be delivered to the participant. As evidenced in Section 5 of Exhibit A, prior to July 14, 1999, the on-line auction system had the capability of adjusting the winning participant's points after the bidding was completed and the participant won the item.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

Date:

October 7, 2004

Michael A. Arkes

Michael A. Arkes

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Web based Catalog Requirements

Draft

Introduction

Corporation has requested that In Marketing provide services to implement and maintain a web based points management system and web based points redemption catalogs. In Marketing has partnered with Hinda Incentives to provide the functionality described below.

This document will serve to detail the functions required of the system.

Overall Design

will be offering an incentive program to their sales channels. Hinda will present the awards catalog with points redemption pricing, shopping cart functions and points balance / statement viewing functions. Participants will receive points based on product serial number/model number identification. Hinda will provide reporting views of placements for each participant. Hinda will provide enrollment and placement data entry interfaces for participants.

Hinda will provide a sweepstakes program within the incentive program. Hinda will provide an Auction House and an online club divided by volume groups.

Points balances, participant data, program rules, award structures, new product announcements and administrator updates will be performed via Hinda's System Management Utility by administrators and administrators.

An estimated 2600 users will start with the program.

Functional Requirements

1.0 Front End pages

- 1.1 Welcome page will present authentication. All others pages will be secured.
- 1.2 Welcome page will be linked from _____ and _____ web sites.

2.0 Web-based Points Redemption Catalog

- 2.1 _____ incentive program participants will be allowed to logon to and view the catalog, selecting items for points redemption. These items will be compiled in a "shopping cart" which will track and calculate their redemptions.
- 2.2 Catalog Items – AC6 catalog _____ products, w/o competitor product.
- 2.3 Points accumulation will take place upon verification, by _____ of product invoices against participant-entered placements.
- 2.4 Duplicate placements will be rejected, and logged, appearing on the reports as non-approved placements.
- 2.5 Participants will be allowed to view their points balance and statement activities, including a record of verified placements, points earnings and redemptions.
- 2.6 Participants will be allowed to view a "Top Ten" rankings page for each program. Participants will be limited to viewing only top ten lists for their program.
- 2.7 A sweepstakes will draw 100 participants monthly from the placement database, with 99 winners receiving a pre-selected points award amount, and 1 winner receiving a choice from established travel awards.

3.0 Enrollment

- 3.1 Participants will be allowed to self enroll and be required to
Or – Sales managers will link themselves to salespersons and dealers.
 - 3.1.1 Associate themselves to sales managers
 - 3.1.2 Associate themselves to Dealers
- 3.2 Participants will be issued a unique security code based on their dealer number and the last four digits of their social security number
Or – _____ will provide a list of the current passwords.
- 3.3 Sales manager participants will be given additional management logon ids. Sales managers will earn an override on sales persons.

4.0 Placement Entry

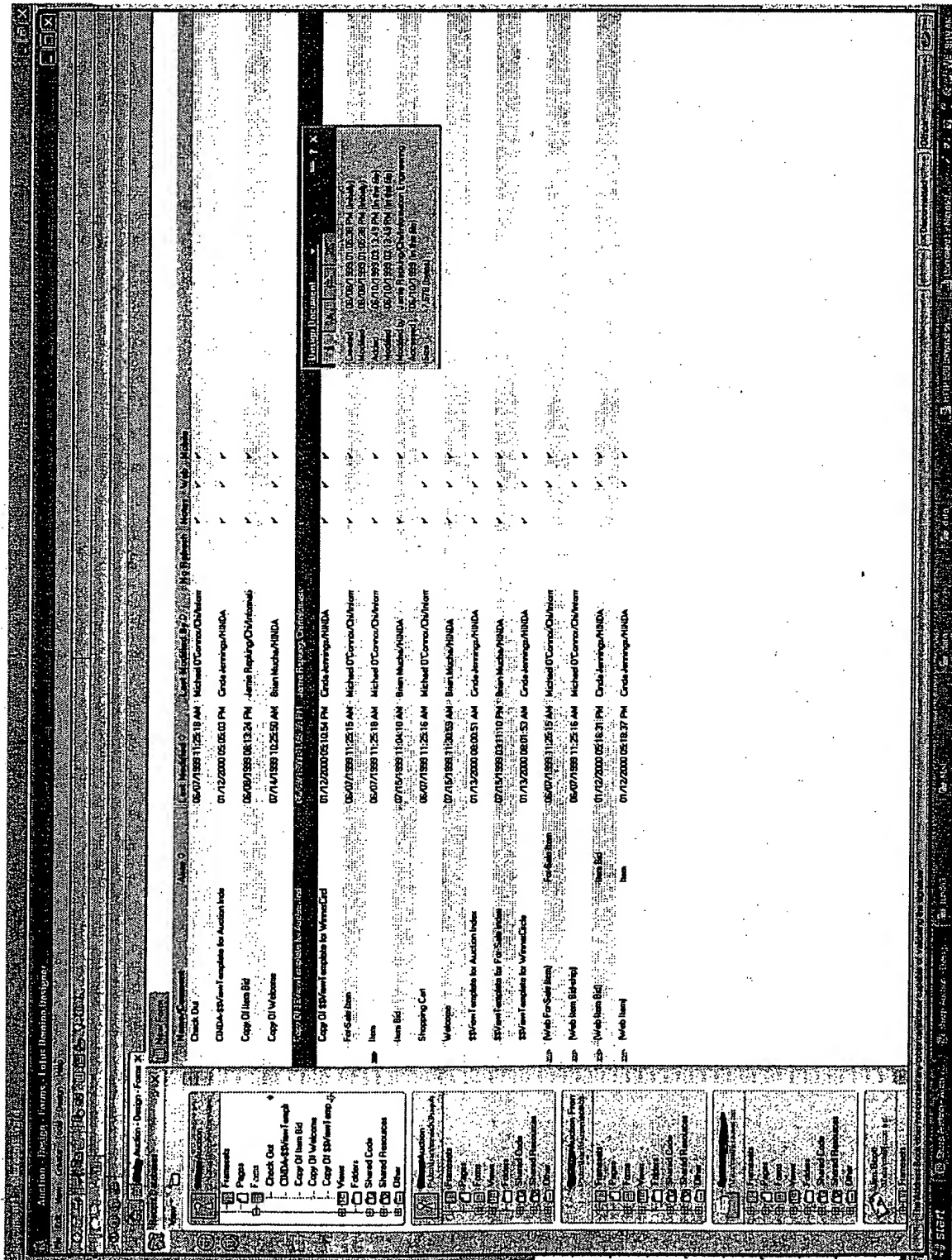
- 4.1 Participants will be allowed to enter sales for placement. Entry will include:
 - 4.1.1 User name
 - 4.1.2 Password
 - 4.1.3 Product description
 - 4.1.4 Model number – to be included with serial number for unique identifier.
 - 4.1.5 Serial number
 - 4.1.6 Serial number will be identical if manufactured on same day. Model number will be differentiator
 - 4.1.7 Serial number will be 9 or 10 digits, 1 = year, 9 = month, with X=OCT, Y=NOV, Z=DEC.
 - 4.1.8 Placements will be verified or rejected by In Marketing.
 - 4.1.9 Placements will be displayed to participants in a statement.

5.0 Administration Tasks

- 5.1 Administrators will use the System Management Utility to perform the following tasks:
 - 5.1.1 Points Database updates
 - 5.1.1.1 Batch updates
 - 5.1.1.2 Individual updates
 - 5.1.2 View Reports
- 5.2 The administration utility will include encryption of the batch files, and secure access to the database for administration.
- 5.3 Administrators will have the ability to update the points database, based on an admin access control table. This table will allow for individual or group access control lists, which specify tasks each administrator or group is authorized to performed. Access Control Lists will include:
 - 5.3.1 Salesperson – no admin rights.
 - 5.3.2 Sales Manager -
 - 5.3.3 Dealer – view data only
 - 5.3.4 Sharp Regional Manager – overview of his region – report only
 - 5.3.5 In Marketing Admin
- 5.4 Administrators will have the ability to modify program rules.
- 5.5 Administrators will have the ability to modify award structures.
- 5.6 Administrators will have the ability to create new product announcements.
- 5.7 Administrators will have the ability to view placements and verifications by participant, sales manager and dealer.
- 5.8 Reports - Administrators will have the ability to report based on the following criteria:
 - 5.8.1 Points transactions
 - 5.8.1.1 Points verified and awarded
 - 5.8.1.2 Points unverified
 - 5.8.2 Activity by month
 - 5.8.3 Activity by Business Segment
 - 5.8.4 Activity by Participant
 - 5.8.5 Participant Statement
 - 5.8.6 Rankings
 - 5.8.7 Total points earned
 - 5.8.8 Total points redeemed

-
- 5.8.9 Total points remaining
 - 5.8.10 Billing detail
 - 5.8.11 Sales by model
 - 5.8.12 Sales by customer
 - 5.8.13 Sales by dealer
 - 5.8.14 Awards redemptions
 - 5.8.15 1099 based on awards redemptions
 - 5.9 In Marketing Admin interface – Hinda will provide an interface:
 - to view unverified placements, verified placements and rejected placements.
 - 5.9.1 will be allowed to perform verification of placements according to their criteria, and update the Hinda placement database.
 - 5.9.2 Description on placements will include date, time, user and model/serial numbers.
 - 5.10 invoicing – Hinda will invoice on behalf of
 - 5.10.1 Hinda will include markup to
 - 5.10.2 will pay into a lockbox.
 - 5.10.3 Hinda will pay In Marketing the difference.
 - 5.11 interface – orders for award products will go to for order fulfillment. Hinda will interface with:
 - 5.11.1 Provide PO for orders to be shipped
 - 5.11.2 Capture confirmation of shipment by
 - 5.11.3 Provide customer service tracing
 - 5.11.4 Provide invoicing from Hinda
 - 6.0 **Auction House**
 - 6.1 Participants will be given the ability to use points to bid on merchandise or travel items in quarterly auctions.
 - 6.2 Auctions will be announced on web site, and I web site.
 - 7.0 **On-line Club**
 - 7.1 Online clubs will be offered to top performing participants
 - 7.2 Top 10% will be offered membership
 - 7.3 Four volume groups will be established.
 - 7.4 Members earn double points on placements for the first month after induction, and after each month they retain their membership.
 - 7.5 At fiscal end, the top 10% of participants in each group earn a 25% bonus on all points earned during the next fiscal.
 - 8.0 **Security**
 - 8.1 Administration - Hinda's System Management Utility will provide end to end security for administration tasks, including administrator access control, data encryption and data verification.

[illegible]



Copy OS \$\$ View Template for Auction Index



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Auction - Design - Items - Lotus Portfolio Designer		Design Document	
Item	Design Document	Item	Design Document
01/12/2000 05:05:03 PM	01/12/2000 05:05:03 PM	01/12/2000 05:05:03 PM	01/12/2000 05:05:03 PM
05/09/1999 06:12:21 PM	05/09/1999 06:12:21 PM	05/09/1999 06:12:21 PM	05/09/1999 06:12:21 PM
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05/07/1999 11:25:18 AM	05/07/1999 11:25:18 AM	05/07/1999 11:25:18 AM	05/07/1999 11:25:18 AM
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01/12/2000 08:00:51 AM	01/12/2000 08:00:51 AM	01/12/2000 08:00:51 AM	01/12/2000 08:00:51 AM
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01/12/2000 08:07:53 AM	01/12/2000 08:07:53 AM	01/12/2000 08:07:53 AM	01/12/2000 08:07:53 AM
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05/07/1999 11:25:16 AM	05/07/1999 11:25:16 AM	05/07/1999 11:25:16 AM	05/07/1999 11:25:16 AM
01/12/2000 05:18:31 PM	01/12/2000 05:18:31 PM	01/12/2000 05:18:31 PM	01/12/2000 05:18:31 PM
01/12/2000 05:18:37 PM	01/12/2000 05:18:37 PM	01/12/2000 05:18:37 PM	01/12/2000 05:18:37 PM

Item	Item Description	Item Status	Item Date	Item Time	Item Location	Item Notes
1	Check Out	✓	06/07/1999	11:25:19 AM	Michael O'Connor/Chelton	
2	ChDok \$50/empt for Auction Index	✓	01/12/2000	05:05:03 PM	Craig Jennings/HNDA	
3	Copy 01 Item Bid	✓	06/08/1999	06:13:24 PM	Jerry R. Rogers/O'Connell	
4	Copy 01 Webcam	✓	07/14/1999	10:25:50 AM	Brian Mucha/HNDA	
5	Copy 01 \$50/empt for Auction Index	✓	06/08/1999	01:05:38 PM	Jerry R. Rogers/O'Connell	
6	Copy 01 Webcam	✓	01/12/2000	05:10:54 PM	Craig Jennings/HNDA	
7	Copy 01 \$50/empt for WinnetCid	✓	06/07/1999	11:25:19 AM	Michael O'Connor/Chelton	
8	For Sale Item	✓	06/07/1999	11:25:19 AM	Michael O'Connor/Chelton	
9	Item Bid	✓	07/15/1999	11:04:19 AM	Brian Mucha/HNDA	
10	Webcam	✓	06/07/1999	11:25:19 AM	Michael O'Connor/Chelton	
11	\$50/empt for Auction Index	✓	01/12/2000	08:03:51 AM	Craig Jennings/HNDA	
12	\$50/empt for For Sale Index	✓	07/15/1999	03:11:10 PM	Brian Mucha/HNDA	
13	\$50/empt for WinnetCid	✓	01/12/2000	08:01:53 AM	Craig Jennings/HNDA	
14	For Sale Item	✓	06/07/1999	11:25:19 AM	Michael O'Connor/Chelton	
15	Item Bid	✓	06/07/1999	11:25:19 AM	Michael O'Connor/Chelton	
16	Item Bid	✓	01/12/2000	05:16:21 PM	Craig Jennings/HNDA	
17	Item	✓	01/12/2000	05:18:37 PM	Craig Jennings/HNDA	

Item	Description	Start Date	End Date	Time	Location	Notes
1	CDMA-450 (cell) module for Auction Index	06/07/1999	11:25:18 AM	Michael O'Connor/Ch/Intern		
2	Copy of Item Bid	07/12/2000	05:05:03 PM	Chris Jennings/H/IDA		
3	Copy of Item Bid	06/09/1999	06:13:24 PM	Jane Riegling/Ch/Intern		
4	Copy of Volume	07/17/1999	10:25:50 AM	Brian Mucha/H/IDA		
5	Copy of \$5 (cell) module for Auction Index	06/09/1999	07:05:38 PM	Jane Riegling/Ch/Intern		
6	Copy of \$5 (cell) module for Auction Index	07/12/2000	05:10:54 PM	Chris Jennings/H/IDA		
7	For Sale Item	06/07/1999	11:25:15 AM	Michael O'Connor/Ch/Intern		
8	Item	06/07/1999	11:25:18 AM	Michael O'Connor/Ch/Intern		
9	Item Bid	07/15/1999	11:04:10 AM	Brian Mucha/H/IDA		
10	Shipping Cost	06/07/1999	11:25:15 AM	Michael O'Connor/Ch/Intern		
11	\$5 (cell) module for Auction Index	07/13/2000	05:05:51 AM	Chris Jennings/H/IDA		
12	\$5 (cell) module for Auction Index	07/15/1999	03:11:10 PM	Brian Mucha/H/IDA		
13	\$5 (cell) module for Auction Index	07/13/2000	05:05:51 AM	Chris Jennings/H/IDA		
14	Web Item Bid-Web	06/07/1999	11:25:15 AM	Michael O'Connor/Ch/Intern		
15	Web Item Bid-Web	06/07/1999	11:25:15 AM	Michael O'Connor/Ch/Intern		
16	Web Item Bid	07/12/2000	05:16:31 PM	Chris Jennings/H/IDA		
17	Web Item	07/12/2000	05:16:37 PM	Chris Jennings/H/IDA		

Welcome: Form: Lotus Domino Designer

File Edit View Window Help

Address Bar: http://www.lotus.com:80/lotus/forms/Welcome.nsf/Welcome:Form: Lotus Domino Designer

Toolbar: Back Forward Stop Home Print

Form Header: Welcome: Form: Lotus Domino Designer

Form Body:

HTTP_COOKIE

Query String

Form Fields:

First Name: First Name

Last Name: Last Name

Address 1: Address 1

Address 2: Address 2

City, State, Zip: City State Zip

E-Mail (Phone to notify you if you win): EMail

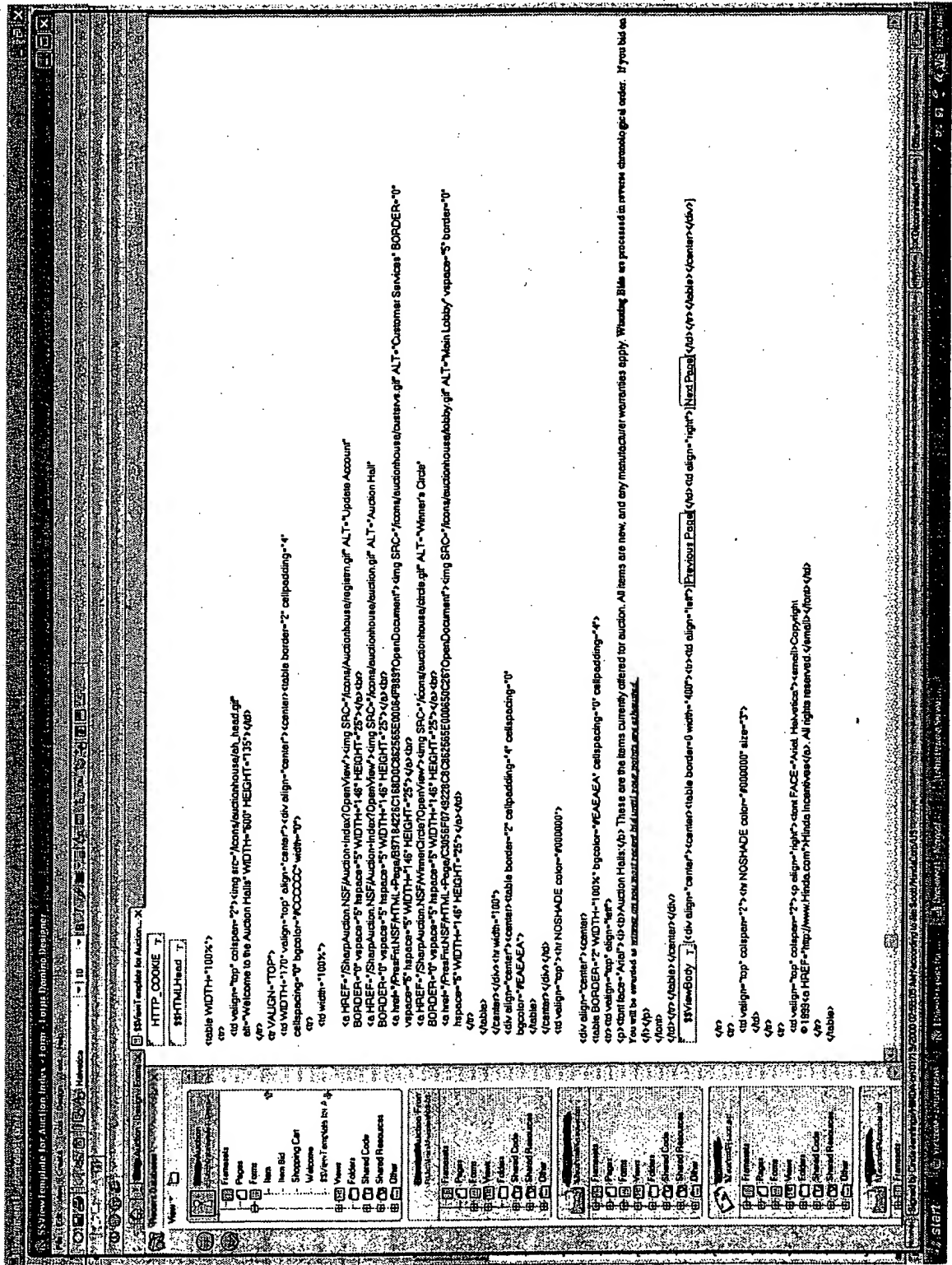
Points: Points

Continue

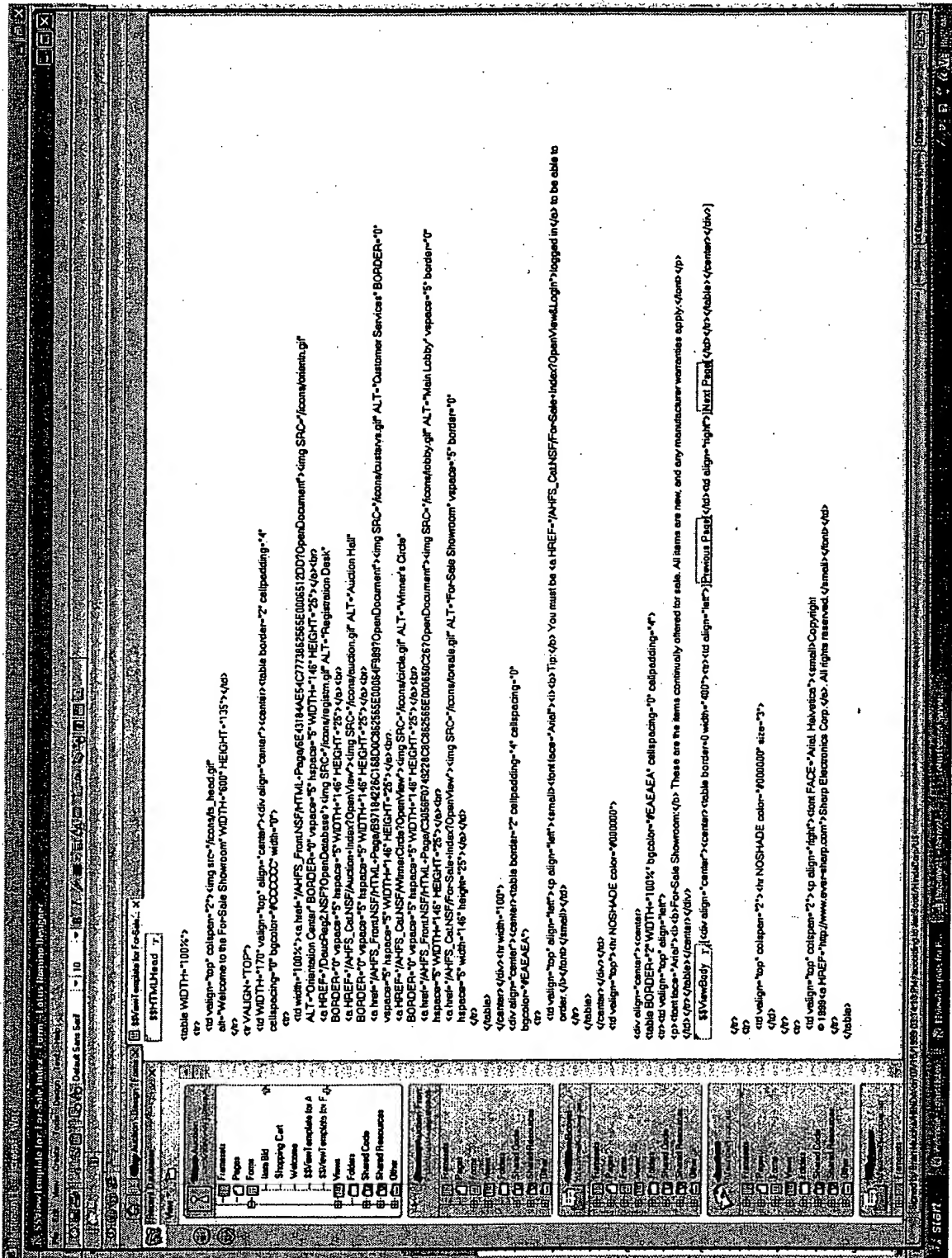
Return

Form Footer: Welcome: Form: Lotus Domino Designer

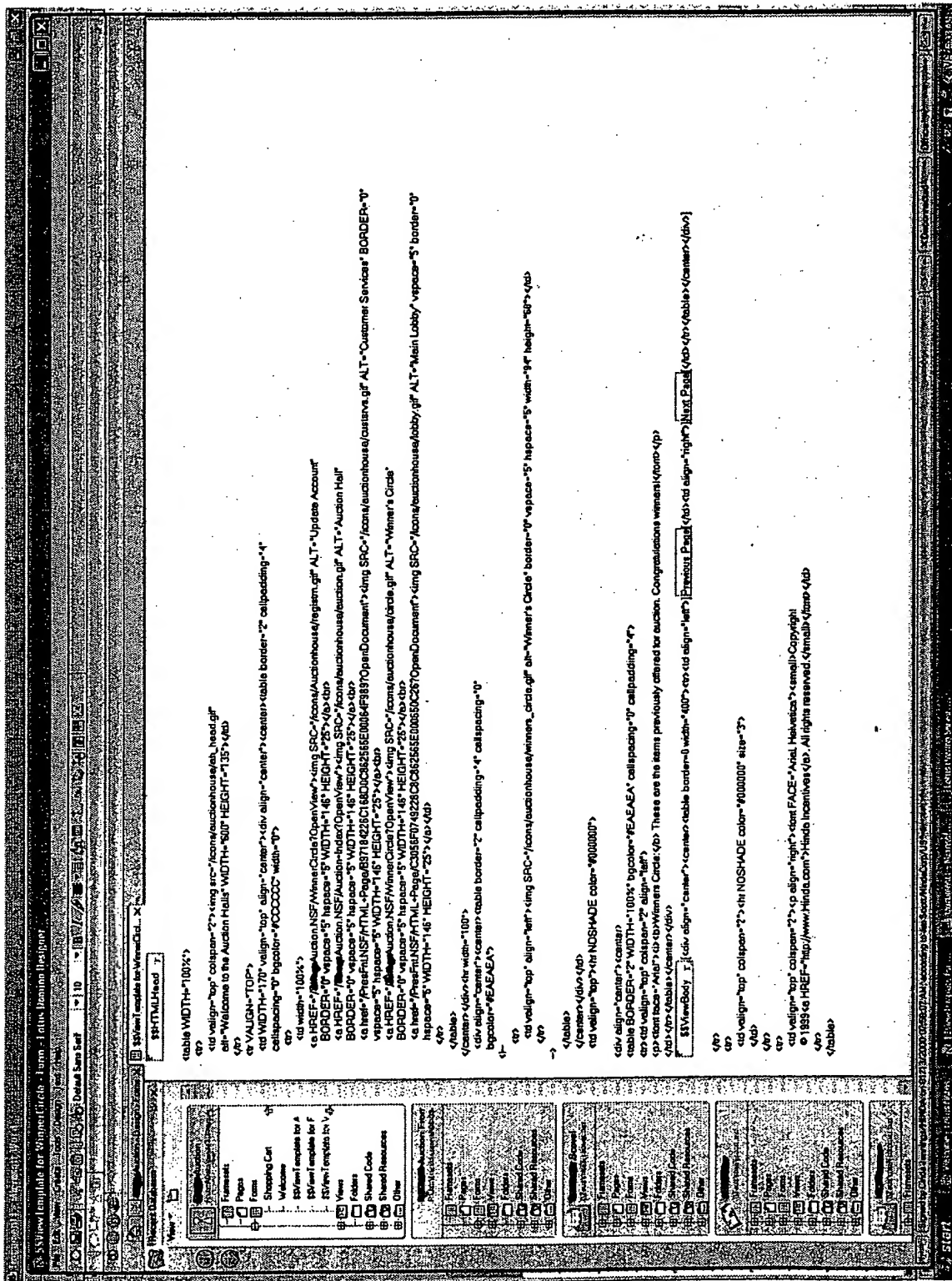
Item	Description	Amount	Buyer	Seller	Date	Time	Status
1	Check Out		Michael D'Amico	Michael D'Amico	06/07/1999	11:25:18 AM	✓
2	CUDA \$5/line/amp to Auction Ind		Crude Jennings/HNDA	Crude Jennings/HNDA	07/12/2000	05:05:03 PM	✓
3	Copy 01 Item Bid		James Ruppberg/Ch/Henrich	James Ruppberg/Ch/Henrich	06/08/1999	06:13:24 PM	✓
4	Copy 01 Videotape		Brian Nichols/HNDA	Brian Nichols/HNDA	07/14/1999	10:25:50 AM	✓
5	Copy 01 \$5/line/amp to Auction Ind		James Ruppberg/Ch/Henrich	James Ruppberg/Ch/Henrich	06/08/1999	01:02:30 PM	✓
6	Copy 01 \$5/line/amp to WinnieCard		Crude Jennings/HNDA	Crude Jennings/HNDA	07/12/2000	05:10:54 PM	✓
7	Fee Sale Item		Michael D'Amico/Ch/Henrich	Michael D'Amico/Ch/Henrich	06/07/1999	11:25:15 AM	✓
8	Item		Michael D'Amico/Ch/Henrich	Michael D'Amico/Ch/Henrich	06/07/1999	11:25:18 AM	✓
9	Item Bid		Brian Nichols/HNDA	Brian Nichols/HNDA	07/14/1999	10:41:00 AM	✓
10	Shipping Cart		Michael D'Amico/Ch/Henrich	Michael D'Amico/Ch/Henrich	06/07/1999	11:25:18 AM	✓
11	Videotape		Brian Nichols/HNDA	Brian Nichols/HNDA	07/14/1999	10:25:50 AM	✓
12	\$5/line/amp to For Sale Ind		Brian Nichols/HNDA	Brian Nichols/HNDA	07/15/1999	03:10:00 PM	✓
13	\$5/line/amp to WinnieCard		Crude Jennings/HNDA	Crude Jennings/HNDA	07/13/2000	08:01:53 AM	✓
14	Web For Sale Item		Michael D'Amico/Ch/Henrich	Michael D'Amico/Ch/Henrich	06/07/1999	11:25:15 AM	✓
15	Web Item Bid-40		Michael D'Amico/Ch/Henrich	Michael D'Amico/Ch/Henrich	06/07/1999	11:25:18 AM	✓
16	Web Item Bid		Crude Jennings/HNDA	Crude Jennings/HNDA	07/12/2000	05:10:57 PM	✓
17	Web Item		Crude Jennings/HNDA	Crude Jennings/HNDA	07/12/2000	05:10:27 PM	✓



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Sharp Auction - Administration\Winners Circle - Lotus Notes			
Auction - Administration\Winners Circle			
Lot	Description	Bid Date	Bid Amount
20199	Sharp® 27" Stereo TV	07/18/1999 07:12 PM	87000
20198	Lotus® Mickey Mouse® Chronograph	07/19/1999 03:55 PM	8300
20196	Bausch & Lomb® 10x Sunglasses	07/19/1999 06:55 PM	2200
20195	X Sports® Jintex Stand Bag with Dual Strap	07/19/1999 08:41 PM	11500
20193	Dewalt® 14.4 Volt Cordless Saw Kit	07/19/1999 04:01 PM	39500
20192	Diamond Tannis Bracelet	07/17/1999 05:33 AM	24500
20191	All-Clad® 9 Piece LTD Cookware Set	07/19/1999 02:48 PM	59500
20189	American Harvest® Breadmaker	07/19/1999 01:54 PM	19500
20188	Nikon® Nice Touch Zoom Camera with Buil	07/19/1999 03:25 PM	23500
20187	JB Research® Portable Massager	07/19/1999 03:56 PM	2000
20186	Seiko® Pendulum Mantel Clock	07/19/1999 12:49 PM	9500
20185	Tiffany® Handel Inspired Lamp, A Collectors	07/19/1999 01:51 PM	20500
20184	Kosta Bodao® Fanfare Candlesticks	07/17/1999 06:28 AM	5500
20183	Madgewood® Johnson Brothers® Dinnerw	07/19/1999 03:43 PM	16500
20182	London Fog® Travel Tote (Sage)	07/19/1999 07:49 AM	2400
20181	London Fog® Carry-On (Black)	07/18/1999 01:48 PM	4500
20180	London Fog® Carry-On (Sage)	07/19/1999 09:39 AM	4000
20178	Shur Vac® Wet/Dry Vacuum	07/19/1999 03:54 PM	12000
20176	Nikko® Porsche® 911 Remote Control Car	07/19/1999 01:46 PM	15500
20175	Vise Grip® Three Piece Pliers Kit	07/19/1999 12:19 PM	8500
20174	Sharp® 3" Color LCD Touchscreen Viewcan	07/19/1999 11:52 AM	153000
20173	London Fog® Over Nighter (Sage)	07/19/1999 08:15 AM	7000
20172	Swiss Army® Galvary Watch for Ladies	07/19/1999 12:46 PM	5500
20171	Kelty® Backpack - Olive	07/19/1999 03:49 PM	3500
20170	Kelty® Backpack - Black	07/19/1999 03:44 PM	3500

Winners Circle in Points.

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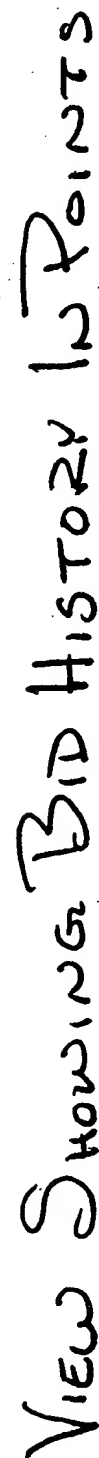


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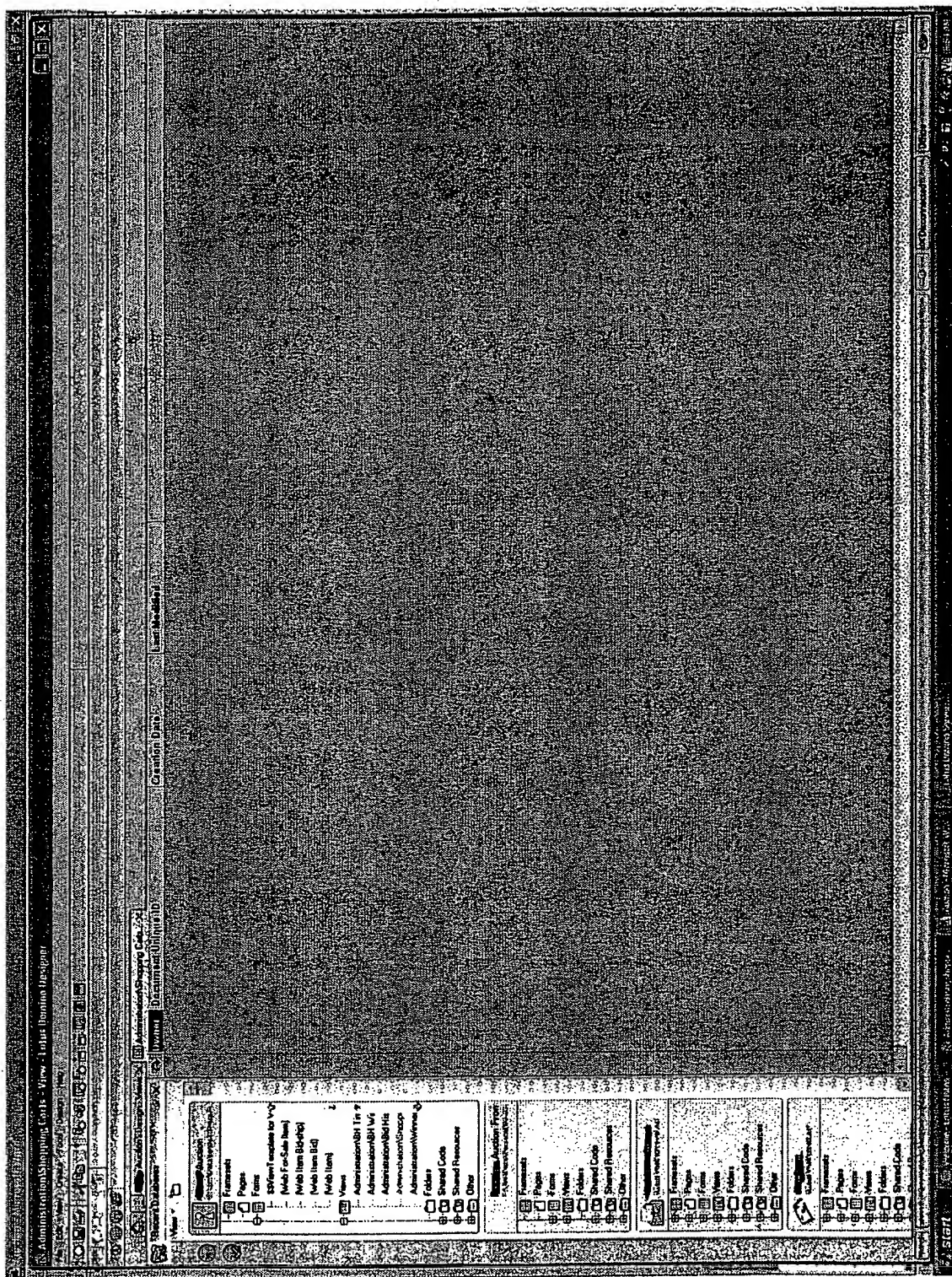
WebItem Form

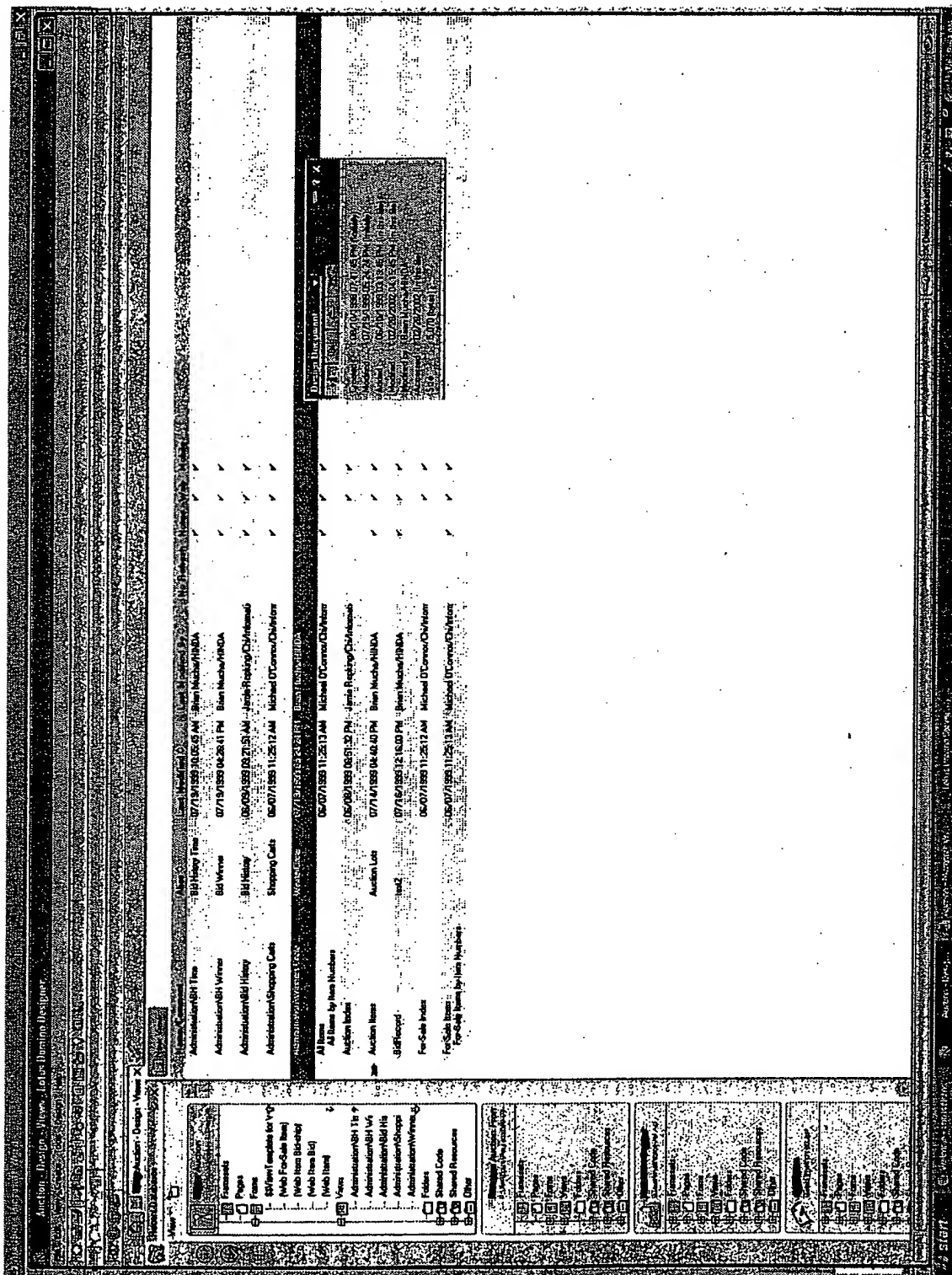




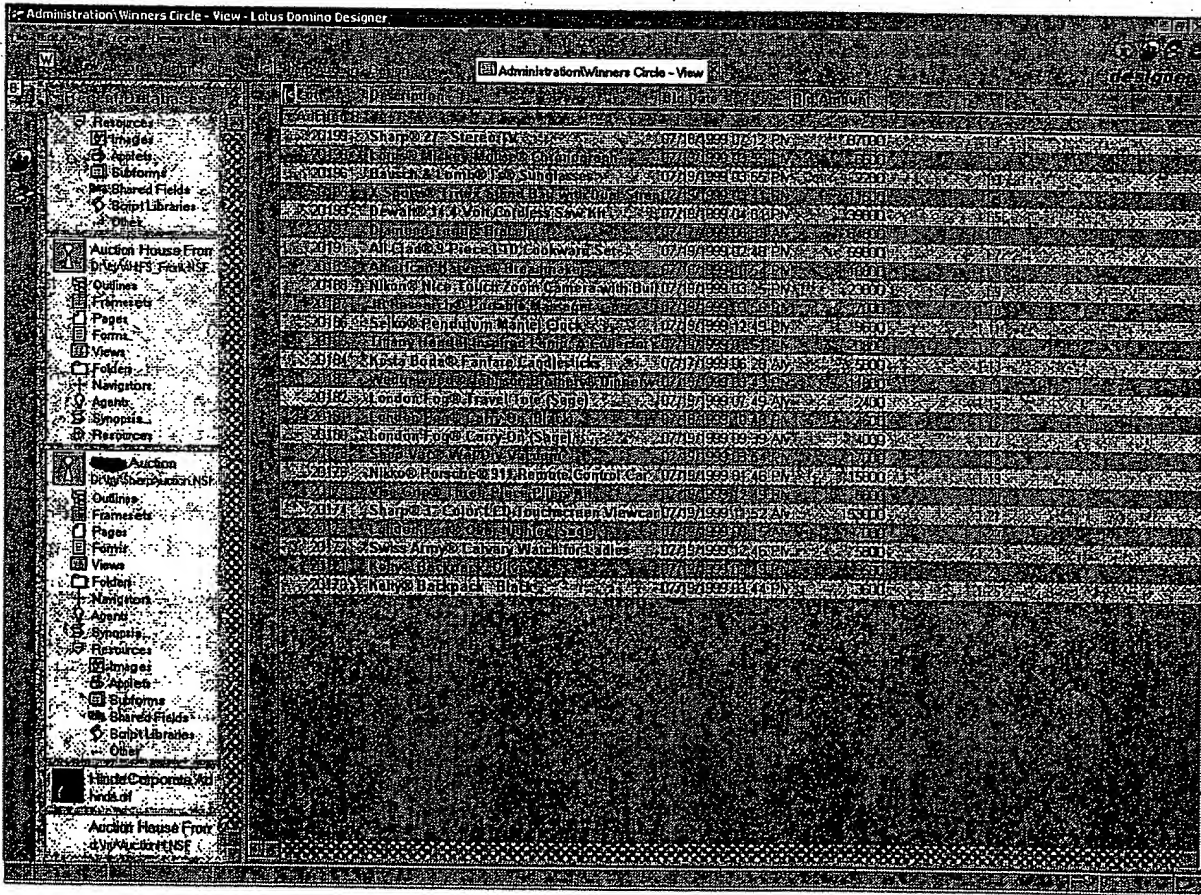
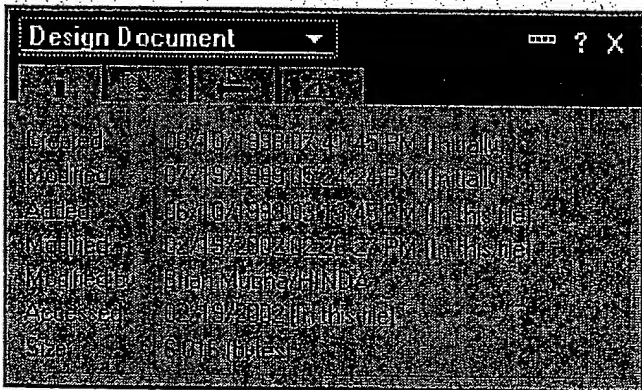
Auction - Design - Views - Lotus Domino Designer									
Item	Name	Creation Date	Modification Date	Creation Time	Modification Time	Creation User	Modification User	Creation Location	Modification Location
1	Administration	07/15/1999 04:26:41 PM	07/15/1999 04:26:41 PM	07/15/1999 04:26:41 PM	07/15/1999 04:26:41 PM	Ben MuehleNDIA	Ben MuehleNDIA	Ben MuehleNDIA	Ben MuehleNDIA
2	Administration	06/03/1999 05:27:51 AM	06/03/1999 05:27:51 AM	06/03/1999 05:27:51 AM	06/03/1999 05:27:51 AM	Jane Rading/Ch/Internet	Jane Rading/Ch/Internet	Jane Rading/Ch/Internet	Jane Rading/Ch/Internet
3	Administration	06/07/1999 11:25:13 AM	06/07/1999 11:25:13 AM	06/07/1999 11:25:13 AM	06/07/1999 11:25:13 AM	Michael O'Connor/Ch/Internet	Michael O'Connor/Ch/Internet	Michael O'Connor/Ch/Internet	Michael O'Connor/Ch/Internet
4	Administration	06/09/1999 05:51:32 PM	06/09/1999 05:51:32 PM	06/09/1999 05:51:32 PM	06/09/1999 05:51:32 PM	Jane Rading/Ch/Internet	Jane Rading/Ch/Internet	Jane Rading/Ch/Internet	Jane Rading/Ch/Internet
5	Administration	07/14/1999 04:40:40 PM	07/14/1999 04:40:40 PM	07/14/1999 04:40:40 PM	07/14/1999 04:40:40 PM	Ben MuehleNDIA	Ben MuehleNDIA	Ben MuehleNDIA	Ben MuehleNDIA
6	Administration	07/16/1999 12:16:03 PM	07/16/1999 12:16:03 PM	07/16/1999 12:16:03 PM	07/16/1999 12:16:03 PM	Ben MuehleNDIA	Ben MuehleNDIA	Ben MuehleNDIA	Ben MuehleNDIA
7	Administration	06/07/1999 11:25:13 AM	06/07/1999 11:25:13 AM	06/07/1999 11:25:13 AM	06/07/1999 11:25:13 AM	Michael O'Connor/Ch/Internet	Michael O'Connor/Ch/Internet	Michael O'Connor/Ch/Internet	Michael O'Connor/Ch/Internet
8	Administration	06/07/1999 11:25:13 AM	06/07/1999 11:25:13 AM	06/07/1999 11:25:13 AM	06/07/1999 11:25:13 AM	Michael O'Connor/Ch/Internet	Michael O'Connor/Ch/Internet	Michael O'Connor/Ch/Internet	Michael O'Connor/Ch/Internet

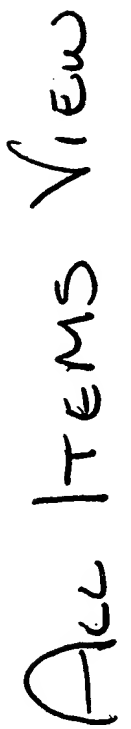
ADMINISTRATION\ShoppingCart View





ADMINISTRATION \ WINNERS CIRCLE VIEW





Sharp Auction - Design - View - Active Window Designer

Main Window		Left Panel		Right Panel		Bottom Panel	
Item	Value	Item	Value	Item	Value	Item	Value
Administration/Win	07/10/1999 11:05:43 AM	Administration/Win	07/10/1999 11:05:43 AM	Administration/Win	07/10/1999 11:05:43 AM	Administration/Win	07/10/1999 11:05:43 AM
Administration/Win	07/10/1999 04:26:41 PM	Administration/Win	07/10/1999 04:26:41 PM	Administration/Win	07/10/1999 04:26:41 PM	Administration/Win	07/10/1999 04:26:41 PM
Administration/Win	06/09/1999 08:21:51 AM	Administration/Win	06/09/1999 08:21:51 AM	Administration/Win	06/09/1999 08:21:51 AM	Administration/Win	06/09/1999 08:21:51 AM
Administration/Win	06/07/1999 11:25:12 AM	Administration/Win	06/07/1999 11:25:12 AM	Administration/Win	06/07/1999 11:25:12 AM	Administration/Win	06/07/1999 11:25:12 AM
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Administration/Win	06/07/1999 11:25:12 AM	Administration/Win	06/07/1999 11:25:12 AM	Administration/Win	06/07/1999 11:25:12 AM	Administration/Win	06/07/1999 11:25:12 AM
Administration/Win	06/07/1999 11:25:13 AM	Administration/Win	06/07/1999 11:25:13 AM	Administration/Win	06/07/1999 11:25:13 AM	Administration/Win	06/07/1999 11:25:13 AM

Design Description

07/10/1999 11:05:43 AM

07/10/1999 04:26:41 PM

06/09/1999 08:21:51 AM

06/07/1999 11:25:12 AM

07/19/1999 05:24:24 PM

06/07/1999 11:25:13 AM

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07/10/1999 12:16:03 PM

06/07/1999 11:25:12 AM

06/07/1999 11:25:13 AM

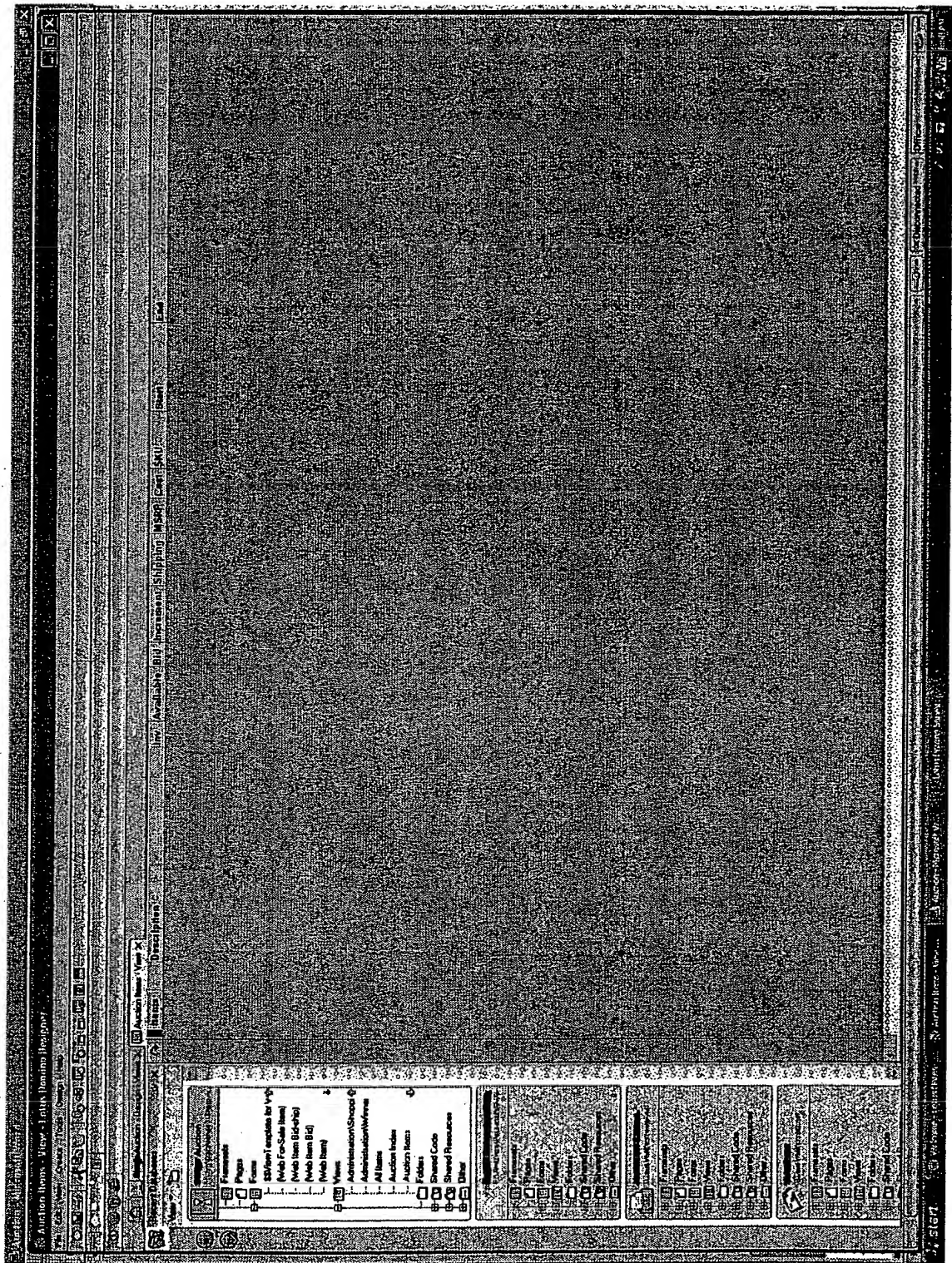
Auction Index View

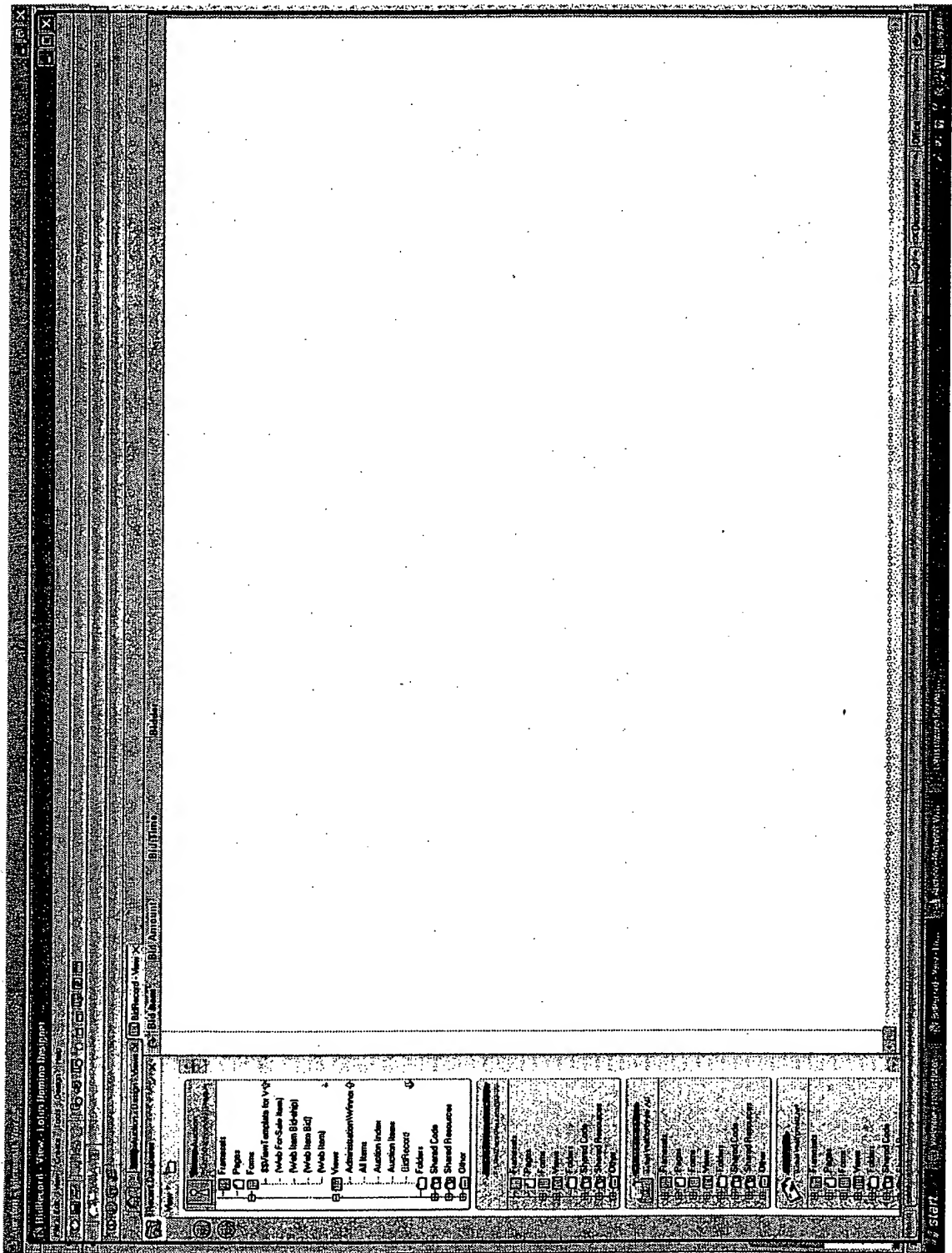
The screenshot shows a web application titled "Auction - Design - View - John Harding Designer". The main content area displays a list of auction items. The table has columns for "Item Name", "Bid History", and "Bidder". The items listed include "Administration/BN Virtual", "Administration/BN History", "Administration/BN Shopping Carts", "Administration/BN Virtual Code", "All Items", "Auction Index", "Bid History", "For Sale Index", "For Sale Items", and "For Sale Items by Item Numbers".

A pop-up window titled "Details View" is open, showing details for a specific item. The details include:

- Item Name: Administration/BN History
- Description: Administration/BN History
- Bid History: 07/19/1999 04:26:11 PM, 06/09/1999 03:21:51 AM, 06/07/1999 11:26:12 AM, 07/19/1999 05:24:24 PM, 06/07/1999 11:26:13 AM, 06/09/1999 05:51:02 PM, 07/19/1999 12:18:03 PM, 06/07/1999 11:26:12 AM, 06/07/1999 11:26:13 AM
- Bidder: Sean Muehler/BNDA, James Riegling/Outfitter, Michael O'Connor/Outfitter, Sean Muehler/BNDA, Michael O'Connor/Outfitter, James Riegling/Outfitter, Sean Muehler/BNDA, Michael O'Connor/Outfitter

Auction Items View





Auction Design - News - Auto Printing Designer		Last Modified: 07/14/1999 10:05:05 AM		Last Modified By: Ben Natchabhinonda		By: Ben Natchabhinonda		Web: Natchabhinonda	
Auction Design - News - Auto Printing Designer		Last Modified: 07/14/1999 10:05:05 AM		Last Modified By: Ben Natchabhinonda		By: Ben Natchabhinonda		Web: Natchabhinonda	
Administration/Winners	Bid History Time	07/14/1999 04:26:41 PM	Ben Natchabhinonda	✓					
Administration/Winners	Bid History	06/04/1999 02:51:01 AM	James Rippling Chinnamab	✓					
Administration/Shipping Costs	Shipping Costs	06/07/1999 11:25:12 AM	Michael O'Connor Chinnamab	✓					
Administration/Winners Cycle	Winners Cycle	07/14/1999 02:24:24 PM	Ben Natchabhinonda	✓					
All Items	All Items by Item Numbers	06/07/1999 11:25:13 AM	Michael O'Connor Chinnamab	✓					
Auction Items	Auction Items	06/04/1999 06:01:32 PM	James Rippling Chinnamab	✓					
Auction Items	Auction Items	07/14/1999 04:48:40 PM	Ben Natchabhinonda	✓					
Bid Round	Bid Round	07/16/1999 12:53:07 PM	Ben Natchabhinonda	✓					
Freight/Logistics	Freight/Logistics	06/07/1999 11:25:12 AM	Michael O'Connor Chinnamab	✓					
Freight/Logistics	Freight/Logistics	06/07/1999 11:25:13 AM	Michael O'Connor Chinnamab	✓					

Auction Design - News - Auto Printing Designer

07/14/1999 10:05:05 AM

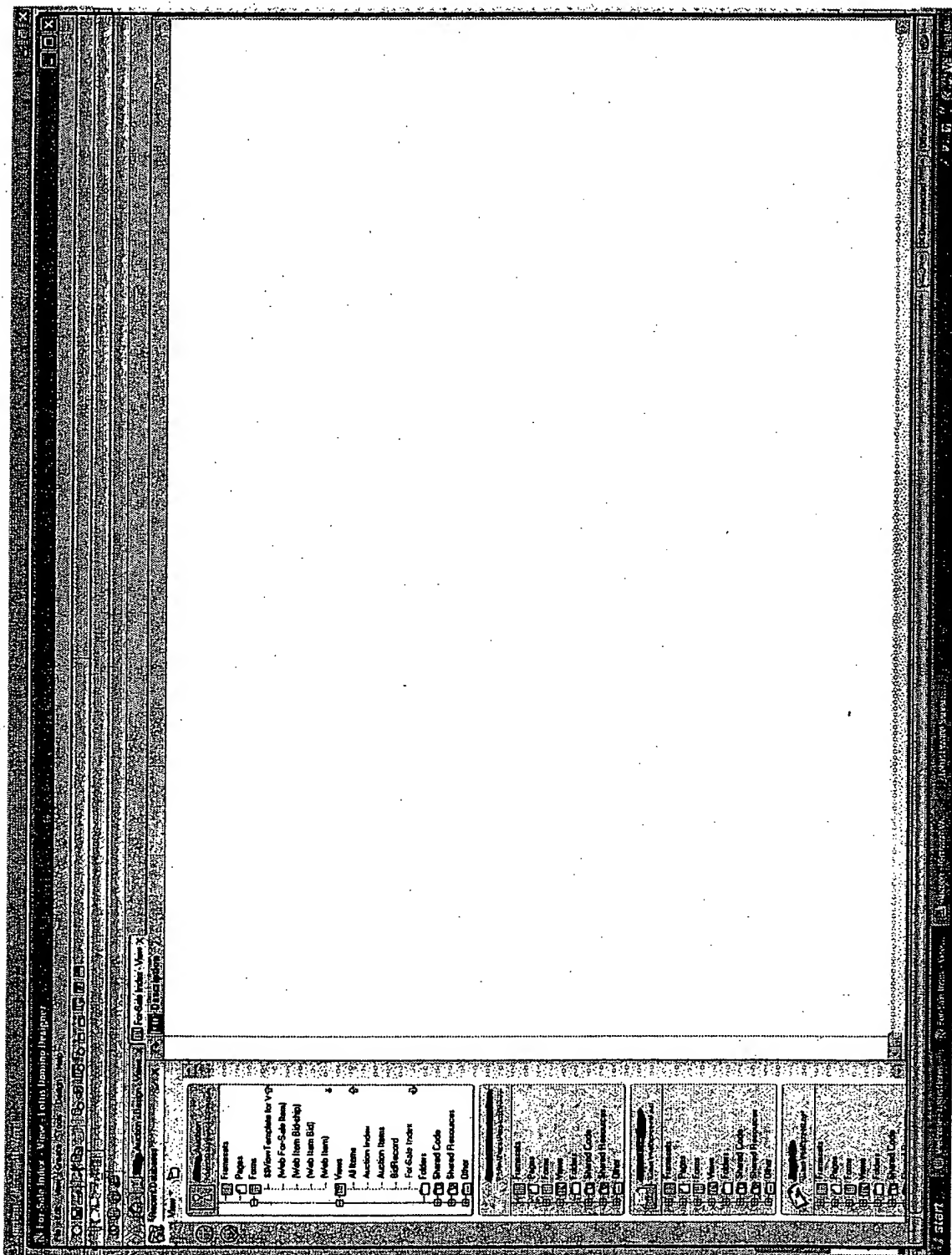
Ben Natchabhinonda

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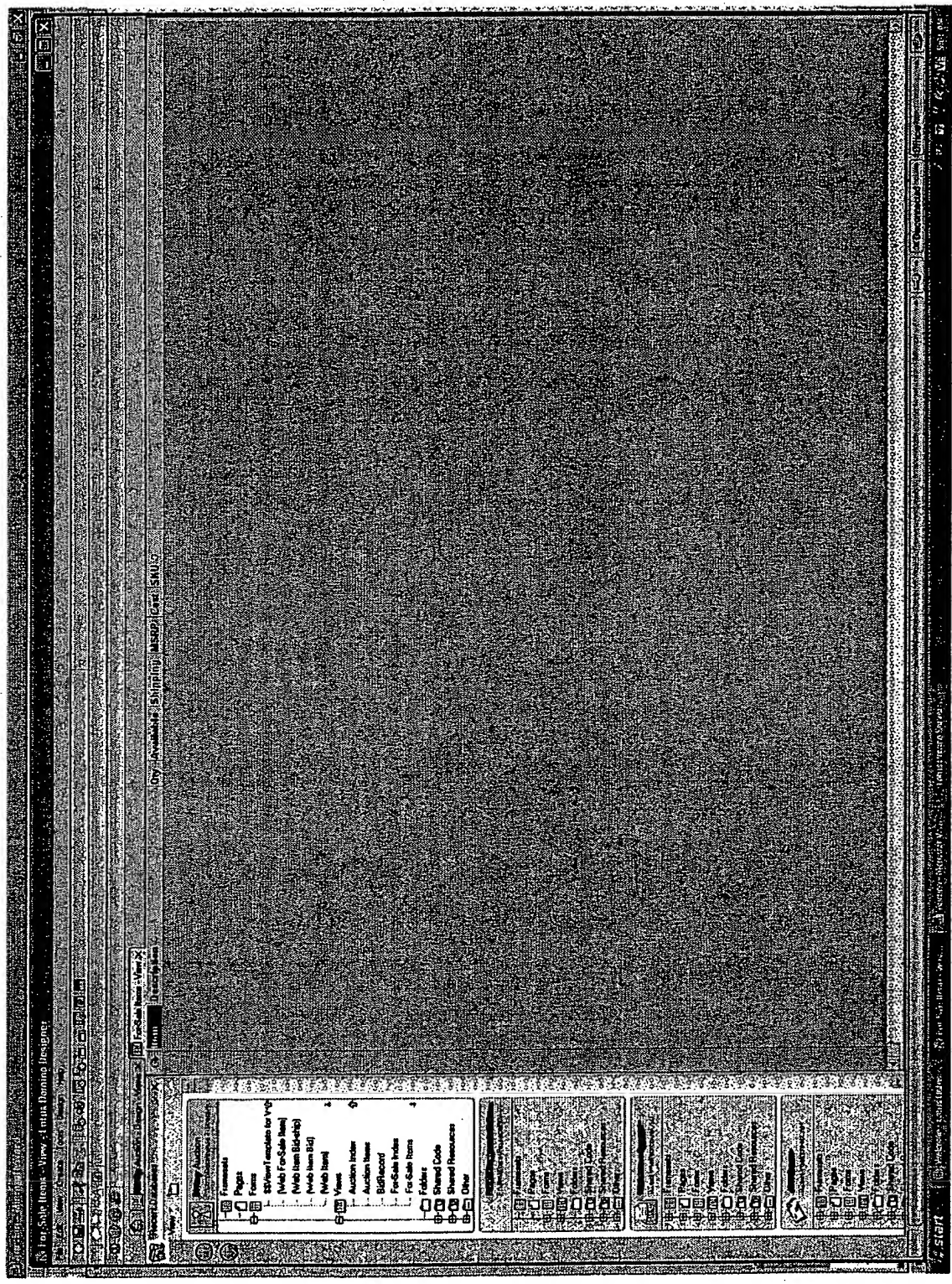
Michael O'Connor Chinnamab

06/07/1999 11:25:13 AM

Michael O'Connor Chinnamab



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